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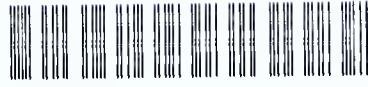
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THE PENNSYLVANIA PAROLE SYSTEM

and

A HISTORY OF PAROLE



Published by

The Pennsylvania Board of Parole

Harrisburg, Pennsylvania

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THE PENNSYLVANIA BOARD OF PAROLE

CREATION AND COMPOSITION

The Pennsylvania Board of Parole was established by the Act of August 6, 1941, P. L. 861, for the following stated legislative purpose:

The value of parole as a disciplinary and corrective influence and process is hereby recognized, and it is declared to be the public policy of this Commonwealth that persons subject or sentenced to imprisonment for crime shall, on release therefrom, be subjected to a period of parole during which their rehabilitation, adjustment and restoration to social and economic life and activities shall be aided and facilitated by guidance and supervision under a competent and efficient parole administration, and to that end it is the intent of this act to create a uniform and exclusive system for the administration of parole in this Commonwealth.

Under the amending Act of May 27, 1943, P. L. 767, the Board is comprised of three members appointed by the Governor and with the advice and consent of two-thirds of all the members of the Senate. Members are appointed for four years and are not permitted to hold any other public office or position, to engage in any business, profession, or employment during the terms for which they are appointed.

JURISDICTION

The Board has exclusive power to parole and reparole, to admit and recommit for violations of parole, and to discharge on parole all persons sentenced by any court in the Commonwealth to imprisonment in any state or county penal institution for a maximum term of two years or more, except those classified by legal procedure as defective delinquents or as juveniles convicted and sentenced to life imprisonment. The actions of the Board are not reviewable by any other authority.

ELIGIBILITY FOR PAROLE

The time of eligibility for parole depends upon the type of sentence imposed. There are four kinds of sentences, to wit:

1. *The indeterminate, or indefinite, sentence, which has a minimum and a maximum set by the court. The minimum may not exceed one-half of the imposed maximum, and the legal maximum is fixed by statute for each type of offense. A prisoner may be committed to either a state or a county prison under such a sentence.*
2. *The flat, or definite, sentence, in which a maximum but no minimum is set by the court. Such a sentence may be imposed only for certain types of crimes for which the law provides simple imprisonment in a county prison.*
3. *The general sentence, which is imposed only in cases committed to the Pennsylvania Industrial School at Camp Hill and the State Industrial Home for Women at Muncy. The court fixes neither a minimum nor a maximum term in such sentences; but for administrative purposes, in order to avoid the risk of illegal detention, the institution records the maximum provided by statute for the particular crime committed. Under a law passed in 1953, general sentences to the Pennsylvania Industrial School are limited to a maximum of six years.*
4. *Sentences imposed under the Sex Offender Act passed in 1951, under which a person convicted of a sex crime may be sentenced to a state institution for one day to life, at the discretion of the judge, upon the written report of a complete psychiatric examination made through the facilities of the Department of Welfare or by a psychiatrist designated by the court. Within three months after a person has been sentenced under this Act, and at least every six months thereafter, the Board of Parole must secure a further psychiatric report from the Department of Welfare and review the complete record of such person for the purpose of determining whether or not he shall be paroled.*

In indeterminate sentence cases, the Board cannot release on parole prior to the expiration of the minimum term either as imposed by the court or as commuted by the Governor upon the recommendation of the Board of Pardons.

In flat and general sentences, the Board has the power to grant parole at any time upon application made by the prisoner or on its own motion. The Board, however, does not consider parole on general sentences until the prisoner's application has been submitted by the institution with a progress report and the superintendent's recommendation.

If the Board refuses to grant parole prior to the expiration of a flat sentence, the prisoner has the right to a "Good Time" deduction under the Commutation Act of 1901 provided his conduct in the institution has been satisfactory. The Commutation Act does not apply when parole is granted.

PROCEDURE AND CRITERIA FOR PAROLE CONSIDERATION

Processing of an application for parole begins approximately two months prior to the expiration of the minimum term. At the proper time, the prisoner is routinely furnished with an application blank, which he must fill out in his own handwriting if he is able to write. This form includes space for the applicant's version of his current offense, his previous criminal record, his parole plan, his dependents, his prison work assignments and earnings, the use he has made of his earnings, the efforts he has made to improve himself in prison, and the reasons why he thinks parole should be granted him.

The completed application is forwarded to the Board of Parole by the institution with an up-to-date summary of the applicant's conduct, work, and educational record while confined and other data reflecting upon his current mental and physical condition, attitude, and general progress; the recommendation of the warden or superintendent; and a parole plan consisting of a home, a job, and a parole adviser.. The plan is sent to the proper District Office of the Board for investigation by a Parole Agent, who, on the basis of his findings, recommends its acceptance or rejection, in whole or in part.

During the period of the applicant's incarceration, the Board in conformity with the law, has procured information as full and complete as has been obtainable with regard to the circumstances of his offense, the community sentiment, his previous criminal record, and his character, mental characteristics, habits, and general background, as well as the stenographic record, if any, his trial, conviction, and sentence.

Also in accordance with the law, at least ten days prior to the scheduled parole hearing the Board sends a notice to the trial judge and district attorney soliciting any comments or recommendations which they may care to make about the case.

The applicant is finally interviewed in the institution by a representative of the Board, who is either a District Supervisor or a Board Member, and who has before him the parole application and the official record of the applicant. At this personal interview the applicant is afforded all the time he may desire to plead his case and to supplement the information supplied to him in his written application. The interviewer records his impressions and recommendation immediately after the interview.

At an executive session of the Board soon after, the case is thoroughly considered on the basis of all the above factors and the Board arrives at a decision, in which at least two Members must concur, either to grant parole, to refuse parole, or to continue the case for further investigation or information or a better parole plan. In refusing parole, the Board usually sets a time for review. It may, however, refuse parole repeatedly; and when in its judgment the applicant cannot be benefited by parole supervision or his release would be incompatible with the best interests of society, it may require him to serve his maximum term. Parole is not a prisoner's right, the Supreme Court having determined that the maximum is the legal sentence and the minimum is merely a legislative date for the consideration of parole. A prisoner who is refused parole is always advised of the reasons therefor, and sometimes certain conditions are indicated to him for a later review of his case, such as improvement in conduct, attitude, or work record or an effort to meet the educational requirements of the institution.

CONDITIONS OF PAROLE

The Board has adopted the following general rules, regulations, and conditions of parole:

1. Upon his release from the institution, the parolee must proceed directly to the place to which he has been paroled and make an arrival report within twenty-four hours.

2. He must have the written permission of his Parole Agent before he may

- (a) leave the Commonwealth of Pennsylvania or the community to which he has been paroled;
- (b) change his residence or employment;
- (c) possess or apply for a license to hunt or to operate a motor vehicle;
- (d) get married.

3. If he loses his job, he must immediately report that fact to his Parole Agent; he must make every effort to obtain and hold a legitimate job; and he must advise his employer that he is on parole.

4. He must support his dependents, if he has any, and assume toward them all his moral and legal obligations.

5. He is cautioned against the use of alcoholic beverages.

6. He is forbidden to own, possess, use, sell, distribute, or have under his control narcotic drugs in any form or firearms or other deadly weapons.

7. He must not associate with any person having a criminal record, with any person of bad reputation, or with any other individual with whom his Parole Agent may forbid him to associate.

8. He is forbidden to visit houses of prostitution, gambling sites, or other questionable places.

9. He is forbidden to live in sexual relationship with any one to whom he is not legally married.

10. He must comply with all municipal, county, state, and federal laws, ordinances, and orders and conduct himself as a good citizen.

11. He must not correspond with inmates of any prison or other correctional institution, nor carry messages, call upon, or write to relatives of inmates in the institution from which he has been released.

12. He must permit his Parole Agent to visit him at his home and place of employment at any time.

13. He must reply promptly to any communication from an accredited representative of the Board of Parole.

14. He must submit truthful written reports monthly and any other oral and written reports as may be required of him.

15. If infected with a venereal disease, he must take regular treatments for it until cured.

16. He must register as a person convicted of crime immediately upon his arrival in any locality requiring such registration.

In addition, the Board may impose special conditions to govern particular cases; for example, close supervision, payment of fine and costs, payment of restitution, total abstinence from alcoholic beverages where such indulgence has been a factor in the previous criminal activity or maladjustment of the individual, etc.

Before being released from prison, the parolee is furnished with a copy of the parole rules, which are fully explained to him by a representative of the Board, and is required to sign an agreement to abide by them and to waive extradition if it becomes necessary to return him from another state.

SUPERVISION

Parolees under the jurisdiction of the Pennsylvania Board of Parole are supervised by Parole Agents working out of nine District Offices located in the following cities: Philadelphia, Pittsburgh, Harrisburg, Wilkes-Barre, Williamsport, Erie, Allentown, Butler, and Altoona. There are three Women's Divisions with headquarters in Philadelphia, Pittsburgh, and Williamsport for the supervision of female parolees in compliance with the legal requirement

that parolees must be supervised by Parole Agents of their own sex.

During the period of supervision, the Parole Agent maintains contact with the parolee, both directly and through his family, employer, and sponsor, in an effort to help him to become integrated and to live acceptably in the community. It is also his duty to protect society by returning the parolee to prison when he becomes a threat to peace and security. He is required to keep a running record of his contacts in each case and to submit through his District Supervisor to the Central Office a Quarterly Supervision Report on every parolee assigned to him, with a recommendation as to whether or not he should be continued on parole.

INTERSTATE COMPACT

The Board also supervises parolees for other states and sends parolees to other states for supervision under the terms of the Interstate Compact Law passed by Congress in 1934 and adopted by Pennsylvania in 1937. This is done subject to the approval of the Receiving State, where the parolee or applicant for parole must have a parole plan and usually legal residence. The Sending State is obligated to return a parolee when the Receiving State so recommends. All forty-eight states are now members of this Compact.

VIOLATION OF PAROLE

A parolee may be returned to prison either as a technical violator or as a convicted violator.

A technical violator is one who is returned for breach of parole rules but without having been convicted of a new offense in a court of record. He is given credit for the time he has served "on the street" in good standing.

A convicted violator is a parolee who is returned because of a new conviction in a court of record for a crime punishable by imprisonment. He forfeits all his parole time and is liable to recommitment for the complete unserved portion of his old sentence,

in addition to serving his new sentence, unless the Board sees fit to reparole him at some time.

Every parole violator is interviewed by a representative of the Board and given an opportunity to present his side of the case. Formal action is then taken by the Board either to recommit him to prison or to reinstate him on parole, depending upon the circumstances of the violation.

DISCHARGE FROM PAROLE

The Board of Parole has jurisdiction over the parolee until supervision is terminated by expiration or commutation of the maximum sentence, by pardon, or by death. The power of the Board to discharge from parole prior to such termination is limited to parolees under a general sentence. In these cases the Board has adopted the policy of considering final discharge after the parolee has served at least three years on parole with a satisfactory record.

SPECIAL COMMUTATION

By arrangement with the Board of Pardons, the Board of Parole has developed programs for special commutation of the maximum sentence in two types of cases, to wit:

1. *Parolees who have been honorably discharged from the armed forces after one year of service (or less if battle experience is included) and who have made a satisfactory adjustment in civilian life for a reasonable period of time.*

2. *Parolees who have shown a satisfactory parole adjustment for a period of five years or longer. Five years was selected as the criterion for such consideration when a statistical study revealed that less than 4% of the returned violators, or less than 0.5% of the total number of parolees, committed their violations after their fifth year on parole. Ten years is the minimum period for consideration of cases on parole by commutation of life sentence.*

Standards of eligibility for special commutation have been set

up by the Board of Parole, and the procedure is initiated by the Parole Agent with his District Supervisor when he believes that a parolee under his supervision is worthy of such consideration and meets the basic requirements.

PARDON BOARD CASES

The Board of Pardons in Pennsylvania is not to be confused with the Board of Parole. It is a constitutional body composed of the Lieutenant Governor, the Attorney General, the Secretary of the Commonwealth, and the Secretary of Internal Affairs for the purpose of considering and advising the Governor on applications for pardon or commutation of the minimum or maximum sentence.

A minimum sentence commuted through this medium establishes a new minimum date for parole consideration. If the Board of Parole sees fit to refuse parole at the commuted minimum, it must within ten days furnish the Board of Pardons with its reasons for such action. The Board of Pardons may either accept those reasons or order the prisoner's release to the supervision of the Board of Parole.

Under the law, the Board of Parole has no jurisdiction over prisoners with life sentences until such sentence has been commuted by the Governor upon recommendation of the Board of Pardons. The commutation enables the prisoner to apply for parole.

Commutation of the maximum sentence or a pardon automatically terminates parole supervision and the jurisdiction of the Board of Parole.

The Board of Parole is required by law to conduct a fact-finding investigation and submit a detailed report on each case coming before the Pardon Board.

PROBATION CASES

Probation is commonly confused with parole. It differs from parole in that the individual so treated is not sent to prison for his offense but is permitted to remain at liberty under supervision so long as he behaves himself and meets the requirements of the court.

Parole, on the other hand, is a conditional release from prison under supervision after a portion of the sentence has been served in confinement.

The Pennsylvania Board of Parole has no jurisdiction over probation cases. Each county has its own probation system; however, any judge may refer a probation case to the Board of Parole for supervision. Such referred cases are supervised in the same manner and are subject to the same rules as regular parolees, with the reports and recommendations being sent to the judge, who retains jurisdiction and may withdraw or close the case at any time.

The same procedure may be followed with parolees who are under the jurisdiction of the court by virtue of a maximum sentence of less than two years.

BACKGROUND INFORMATION

In order that the concept of parole may be better understood, there follows a treatise on the origin, development, and philosophy of parole and a history of parole in Pennsylvania.

ORIGIN, DEVELOPMENT AND PHILOSOPHY OF PAROLE

.....

EARLY HISTORY

Today's concept of parole did not spring full-grown from the nimble brain of some crack-pot theorist. Rather it is the product of many minds that were faced with the practical problem of what to do with the felon who was not executed.

Parole, as we know it today, has had a slow and devious development with many relapses, and every step of advancement grew out of the necessity of meeting a practical situation.

Parole is based on three fundamentals: (1) remission of part of the sentence imposed by court on the basis of certain conditions, one of which was always good conduct while in prison; (2) a contract or agreement between the paroling authority and the prisoner, infringement of which would result in return to prison; (3) provision for supervision of those released under parole conditions.

The first two aspects of parole developed more or less simultaneously with varying emphasis. The provision of supervision is of more recent origin.

Although the word "parole" was not used until 1846, the idea of conditional release of offenders goes back to colonial days. It may be said that the seed of parole was planted in the Order of the English Privy Council, passed in 1617, making it a policy of the Government to transport convicts overseas when it was found necessary to do something to get rid of the increasing prison population. His Majesty's Government then began sending convicts to the colonists in the new world as indentured servants. Many of these indentured servants, after serving their time or purchasing their freedom, became settlers, and their branches spread into our present civilization.

With the advent of the Revolutionary War, English convicts were sent to New South Wales in Australia where the Governor was given the power of conditional pardon, which later developed

into the "Ticket-of-Leave" system introduced by Captain Alexander Maconochie on Norfolk Island in 1840.

Maconochie's system was elaborated and improved by Sir Walter Crofton in Ireland and became known as the Irish System. As carried out in Ireland, it definitely demonstrated that a system of conditional liberation was workable both for the protection of society and for the rehabilitation of the criminal. The most novel phases of the Irish System were that it required the person on "Ticket of Leave" to make periodical reports and provided re-imprisonment for those who violated their agreement.

By 1865, the Irish System had become well known in America. At the same time prison reformers were critical of the conditions existing in the American prisons and advocated the adoption of the Irish plan. However, objections were raised against it because it used police officers to supervise "Ticket-of-Leave" men. It appears that the same criticism had been raised in England where prisoners' aid societies were established, partly subsidized by the Government, for the purpose of supervising men on "Ticket of Leave."

Prisoners' aid societies were already in existence in America although they had been limiting their activities largely to prison visiting. The first of these societies was the Philadelphia Society for Alleviating the Miseries of Public Prisoners, which was first established in 1776, became inactive during the Revolution, was reorganized in 1787, and is still functioning today under the name of the Pennsylvania Prison Society. As early as 1851, this society appointed an agent to work with discharged prisoners.

DEVELOPMENT IN THE UNITED STATES

The first legal recognition of the conditional release idea in America occurred in New York State in 1817 when the first "Good Time" law was passed. A form of conditional release was used in the same state in the indenture of juvenile delinquents released from the House of Refuge under a law passed in 1825. In 1846, Massachusetts appointed an agent to assist released prisoners in obtaining employment, tools, clothing, and transportation with the aid of public funds. Sporadic attempts to establish some system of conditional release were made in France (1832)

Spain (1835), and Germany (1842), but the idea was destined to take root and to attain its fullest development in America.

The first full-fledged parole system in this country was established soon after the opening of the Elmira Reformatory in New York in 1876. Z. R. Brockway, the first Superintendent, set up a system which comprised the use of the indeterminate sentence, a system of grading of the inmates while in the reformatory, compulsory education, and the parole of carefully selected prisoners. Supervision of the released prisoner was provided by volunteer citizens who were known as guardians. One of the conditions of parole was that the parolee must report to his guardian on the first of each month. Later, written reports were required and submitted to the institution after they were certified by the employer and guardian.

The Elmira experiment was designed to rehabilitate young offenders between the ages of sixteen and twenty-five. The first parole law affecting the adult offender was passed in Ohio in 1884. At the present time, every state has a parole law on its statute books.

Parole in this country has developed to the point where interstate cooperation under legal auspices has been achieved in the matter of supervision of parolees as well as in the matter of returning to prison parole violators who go from one state to another. In 1934, Congress passed a law permitting the states to enter into agreements or compacts with each other to promote mutual assistance in the supervision of parolees and in the prevention and control of crime. In 1935, the Interstate Commission on Crime of the Council of State Governments was organized to promote uniform state legislation covering the pursuit and arrest of criminals fleeing from one state into another and the supervision of parolees of one state by another. In the year that Congress passed the legislation referred to above, Massachusetts, New York, New Jersey, and Pennsylvania entered into an informal agreement to supervise each other's parolees. Since that time, all forty-eight states have passed legislation enabling them to enter into legal compacts with each other relative to parole matters under what is known as the Interstate Compact for the Supervision of Probationers and Parolees.

DEVELOPMENT IN PENNSYLVANIA

Some of the basic elements of parole appeared in Pennsylvania for the first time in the procedure of releasing juveniles from the Philadelphia House of Refuge, a private institution which opened in 1826 and is today known as Glen Mills School for Boys. The governing board of this institution was given authority to indenture juvenile offenders to private citizens at its discretion. Another House of Refuge was opened in western Pennsylvania as a state institution in 1854 and is today known as the Pennsylvania Training School at Morgantown. This institution also made use of indenture in the release of its inmates.

The first "Good Time" law was passed in 1861. Under this law, the wardens of the penitentiaries were required to keep record of infractions committed by the prisoners. Those with marks against them were entitled to a reduction of sentence according to a complicated scale based on the original sentence given by the court and the number of months served. This law, however, was declared unconstitutional, and another law with a similar method of computation was passed in 1869. Still another act, passed in 1901 and superseding the law of 1869, provided that all prisoners confined in any state or county penal institution for one year or more could earn commutation. This act still applies to cases sentenced to county prisons with flat sentences of one year or more. However, under the current State Parole Act, those who serve flat sentences of two years or more are eligible to apply for parole before they become eligible for "Good Time" under the law of 1901. Discharge under the "Good Time" law - or Commutation Act of 1901 - can be granted only by the Governor upon recommendation of the Board of Pardons.

Parole in the modern sense was first applied to young adults in this State when the Pennsylvania Industrial Reformatory at Huntingdon was established in 1887. Under the law governing this institution, imprisonment in the reformatory could be imposed only under a general sentence, better known as indeterminate, in which the court determined neither the minimum nor the maximum. The institution set the maximum on the basis of the maximum set by the Criminal Code for each crime. The board of managers had the power to grant release with or without parole. The system was copied after the reformatory system at Elmira, New York.

and is retained today at the Pennsylvania Industrial School at White Hill, except that parole is always imposed if release occurs before the maximum.

The Basic Law of 1909 and Amendments

It was not until 1909 that the basic law was passed providing parole for prisoners in the penitentiaries. It provided that cases sentenced to penitentiaries must be given sentences, the minimum of which could not exceed one-fourth of the maximum. Thus, the indeterminate sentence idea, in a modified form, was introduced in the penitentiaries. Penitentiary cases were paroled by the Governor upon recommendation of the board of trustees of the institution and the Board of Pardons. Parole could be terminated before the expiration of the maximum sentence by the same procedure.

The Act of 1909 was amended in 1911. Under the amendments, the limiting of the minimum sentence to one-fourth of the maximum on penitentiary cases was eliminated, and the courts practically returned to the imposition of flat sentences with very small differences between the minimum and the maximum. Thus, the advancement toward the indeterminate sentence suffered a reverse.

The Act of 1911 extended parole powers to the Courts of Quarter Sessions throughout the State. This gave the criminal courts the power to parole and reparole and to commit and recommit for parole violation all cases sentenced to the county prisons.

The indeterminate sentence idea received new impetus in 1913 when the State Industrial Home for Women at Muncy was established. The acts governing this institution call for the imposition of a general sentence on all cases sentenced there. Before the Parole Board was established, parole was granted by the board of managers on recommendation of the superintendent and with the approval of the court of commitment.

In 1923, the Ludlow Act was passed governing the sentencing of defendants to the penitentiaries. This act requires that the sentences imposed in such cases shall have a minimum and a

maximum set by the court, but that the minimum shall not exceed half of the maximum, and that the maximum shall not exceed that imposed by the statutes for the crime. This law prevailed today in the sentencing of all cases to the penitentiaries. The courts have authority to apply it also to defendants who are sentenced to county prisons and workhouses for crimes punishable by imprisonment in a penitentiary.

Although the laws so far discussed provided for the release of prisoners prior to the expiration of the sentence, they made no adequate provision for the supervision of the prisoners so released. The penitentiaries and the reformatory maintained a parole officer each, whose duty it was to send out monthly report blanks to the various men on parole, requesting limited information relative to current address and employment. These were countersigned by the sponsor and returned to the institutions. Because of the inadequacy of the personnel, personal contacts with men on parole were out of the question. Some personal supervision was afforded the parolees from the State Industrial Home for Women. This institution from the beginning was able to arrange for supervision of its parolees by two parole officers located respectively in Philadelphia and Pittsburgh, in addition to the parole officer at the institution. At the county level, the courts were given power to appoint one or more probation officers. However, the number appointed has seldom been adequate for the case load that these officers have to carry.

Supervision of a small number of parolees released from state penitentiaries and some county jails was provided by some private agencies, like the Pennsylvania Prison Society. It was pointed out earlier that this organization had for a long time been actively interested in persons released from prisons. They not only had been concerned with the supervision and aiding of such subjects, but at one time provided shelter for released prisoners. However, the number of cases that they are able to supervise is small.

THE PAROLE SYSTEM UNDER THE DEPARTMENT OF JUSTICE (1929-1942)

By 1925, the law makers came to realize that the releasing of prisoners on parole prior to the expiration of the maximum

would serve no purpose unless those so released were given supervision and guidance toward an intelligent readjustment. A Parole Commission was appointed to study the problem. As a result of the recommendations of this Commission, laws were passed in 1929 creating a State Bureau of Parole Supervision under the authority of the Board of Pardons. Three related acts gave the Board of Pardons the supervision of parolees from the penitentiaries and the reformatory; the Attorney General was given the authority to appoint a Supervisor of Parole and the necessary field agents; and the Board of Pardons was given the power also to arrest parole violators through warrants issued to its agents and return them to the institutions. Thus was established the first State System of Parole Supervision.

A Central Office was established in Harrisburg with the Supervisor of Parole in charge, and the State was divided into six districts with headquarters in Philadelphia, Pittsburgh, York, Wilkes-Barre, Bellefonte, and Erie, each in charge of a Senior Parole Agent.

As was observed in the preceding section, Pennsylvania, through its Supervisor of Parole, entered into an informal agreement in 1934 with Massachusetts, New York, and New Jersey for the supervision of their parolees in exchange for the supervision of Pennsylvania parolees by them. This arrangement was formalized in 1937 by the enactment of a law authorizing the Governor, under the Act of Congress passed in 1934, to enter into a compact with any other state and to designate an officer to represent the Commonwealth of Pennsylvania in the transaction of all interstate matters pertaining to crime and especially the supervision of parolees.

ESTABLISHMENT OF THE PRESENT PAROLE SYSTEM ACT OF 1941

Before the passing of the Parole Acts of 1929, there were in Pennsylvania many systems of parole. At the state level, each of the state institutions, namely, the two penitentiaries, the Industrial School at Huntingdon, the State Industrial Home for Women at Muncy, and the Pennsylvania Training School at Morgantown, had its own system of parole. Private and semi-private institutions for juveniles each had its system of conditional release and supervision.

At the penitentiaries, the board of trustees recommended parole to the Board of Pardons, who in turn recommended to the Governor. At the Industrial School at Huntingdon, the board of managers paroled without the necessity of referring the matter to the Governor. At the State Industrial Home for Women, the board of managers paroled with the approval of the committing courts. At the Pennsylvania Training School at Morganza, parole was granted by the board of managers with the approval of the committing court.

At the county level, each county had, and still has, its own parole system run entirely at the discretion of the courts, who have the power not only to parole before the expiration of a minimum sentence, but also to discharge from parole or probation at any time. The court has the power to appoint one or more probation officers charged with the responsibility of making investigations for the court and also of supervising probationers and parolees. Before the Parole Act of 1941, these services applied to all cases which the judges had sentenced to local county prisons and workhouses regardless of the length of sentence involved.

The Acts of 1929 brought under one system the supervision of parolees released from the penitentiaries and the Industrial School and tended to standardize the procedure of release from these institutions, thus paving the way for the creation of an independent Board of Parole and the establishment of a unified parole service under the Parole Act of 1941.

PHILOSOPHY AND PRINCIPLES OF PAROLE

Parole as we know it today is the logical consequence of the change in point of view toward crime and punishment. During the last century, we have observed a restriction in the application of capital punishment and a repudiation of the Devil's Island form of penology. The result is that a large proportion of persons convicted of crimes go to prison instead of being killed off, and nearly every one that goes to prison is sooner or later returned to society.

The fact that we no longer believe in the elimination of the offender by death, but believe that there is some good in every offender which renders him redeemable, gives rise to the need of

a service like parole. In the assumption of a more humane attitude toward the criminal, society has taken unto itself certain risks. Parole results from a desire to counteract these risks.

Society has every right to protect itself against such risks in any way it can, but it is obvious that the most profitable way of obtaining this protection is by turning the criminal into a useful citizen. Parole is a means to this end.

Considered in this light, no criminal has a *right* to parole. It is society that has a right to parole for several reasons, all of which insure a measure of protection. Parole is the service that aids the released prisoner to bridge the gap between the relatively abnormal environment of the prison and that of the community. Parole provides a period in the life of the offender when he can be removed from society as soon as he shows indication of dangerous behavior without waiting until he commits another crime. It provides legal authority to compel a former offender to live up to acceptable standards of conduct. It provides for the former offender a period of supervision under normal social conditions before he is completely free. It also provides in part a test of the efficacy of prison treatment.

Authorities agree that parole is a case work service in an authoritarian setting, although there is still controversy as to the effect of the unavoidable authoritarian factors upon the efficacy of case work techniques. Nevertheless, parole work, dealing primarily with the supervision and guidance of persons released from prisons, cannot at best deal with its problems in any other way than by the individual case method. As its chief concern is that of helping the individual resume a respectable place in the community, parole must rely on community resources and community cooperation for its success. This is imperative because the adjustment of the individual is an adjustment to society. Furthermore, it is necessary to arouse community consciousness to the social realities of the problems of parole and to point out the responsibilities of the public in the process of rehabilitation of the offender.

Finally, the success of any parole system, however well conceived, will depend upon how it is administered. Realizing the importance of this fact, leaders in the field of parole have laid down a set of principles which we present here.

A DECLARATION OF THE PRINCIPLES OF PAROLE

(Adopted April 18, 1939)

We, the delegates to the National Parole Conference, assembled at the request of the President of the United States, and representing the governors of the several states, the judiciary, federal, state, and municipal law enforcement officials, the church, the community, and the various penal and correctional systems in the United States,

Recognizing that

Practically all imprisoned offenders are by operation of law ultimately released, and that

Parole, when properly administered and carefully distinguished from clemency, protects the public by maintaining control over offenders after they leave prison, do declare and affirm that

For Parole Fully to Achieve its Purpose

1. The paroling authority should be impartial, non-political, professionally competent, and able to give the time necessary for full consideration of each case;
2. The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;
3. The paroling authority should have complete and reliable information concerning the prisoner, his background, and the situation which will confront him on his release;
4. The parole program of treatment and training should be an integral part of a system of criminal justice;
5. The period of imprisonment should be used to prepare the individual vocationally, physically, mentally,

and spiritually for return to society;

6. The community through its social agencies, public and private, and in cooperation with the parole service should accept the responsibility for improving home and neighborhood conditions in preparation for the prisoner's release;

7. The paroled offender should be carefully supervised and promptly reimprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill the obligations of a law-abiding citizen;

8. The supervision of the paroled offender should be exercised by qualified persons trained and experienced in the task of guiding social readjustment;

9. The State should provide adequate financial support for a parole system, including sufficient personnel selected and retained in office upon the basis of merit;

10. The public should recognize the necessity of giving the paroled offender a fair opportunity to earn an honest living and maintain self-respect to the end that he may be truly rehabilitated and the public adequately protected.

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The Pennsylvania Parole System

AND

A History of Parole



THE PENNSYLVANIA BOARD OF PAROLE
HARRISBURG, PENNSYLVANIA

Published 1953

Revised 1958

The Pennsylvania Parole System

AND

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THE PENNSYLVANIA BOARD OF PAROLE
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statute for each type of offense. A prisoner may be committed to either a state or a county prison under such a sentence.

2. *The flat, or definite, sentence, in which a maximum but no minimum is set by the court.* Such a sentence may be imposed only for certain types of crimes for which the law provides simple imprisonment in a county prison.
3. *The general sentence, which is imposed only in cases committed to the Pennsylvania Industrial School at Camp Hill and the State Industrial Home for Women at Muncy.* The court fixes neither a minimum nor a maximum term in such sentence; but for administrative purposes, in order to avoid the risk of illegal detention, the institution records the maximum provided by statute for the particular crime committed. Under a law passed in 1953, general sentences to the Pennsylvania Industrial School are limited to a maximum of six years.
4. *Sentences imposed under the Sex Offender Act passed in 1951, under which a person convicted of a sex crime may be sentenced to a state institution for one day to life, at the discretion of the judge, upon the written report of a complete psychiatric examination made through the facilities of the Department of Welfare or by a psychiatrist designated by the court.* Within three months after a person has been sentenced under this Act, and at least every six months thereafter, the Board of Parole must secure a further psychiatric report from the Department of Welfare and review the complete record of such person for the purpose of determining whether or not he shall be paroled.

In indeterminate sentence cases, the Board cannot release on parole prior to the expiration of the minimum term either as imposed by the court or as commuted by the Governor upon the recommendation of the Board of Pardons.

In flat and general sentences, the Board has the power to grant parole at any time upon application made by the prisoner or on its own motion. The Board, however, does not consider parole on general sentences until the prisoner's application has been submitted by the institution with a progress report and the superintendent's recommendation.

If the Board refuses to grant parole prior to the expiration of a flat sentence, the prisoner has the right to a "Good Time" deduction under the Commutation Act of 1901 provided his conduct in the institution has been satisfactory. The Commutation Act does not apply when parole is granted.

PROCEDURE AND CRITERIA FOR PAROLE CONSIDERATION

Processing of an application for parole begins approximately two months prior to the expiration of the minimum term. At the proper time, the prisoner is routinely furnished with an application blank, which he must fill out in his own handwriting if he is able to write. This form includes space for the applicant's version of his current offense, his previous criminal record, his parole plan, his dependents, his prison work assignments and earnings, the use he has made of his earnings, the efforts he has made to improve himself in prison, and the reasons why he thinks parole should be granted him.

The completed application is forwarded to the Board of Parole by the institution with an up-to-date summary of the applicant's conduct, work, and educational record while confined and other data reflecting upon his current mental and physical condition, attitude, and general progress; the recommendation of the warden or superintendent; and a parole plan consisting of a home, a job, and a parole adviser. The plan is sent to the proper District Office of the Board for investigation by a Parole Agent, who, on the basis of his findings, recommends its acceptance or rejection, in whole or in part.

During the period of the applicant's incarceration, the Board, in conformity with the law, has procured information as full and complete as has been obtainable with regard to the circumstances of his offense, the community sentiment, his previous criminal record, and his character, mental characteristics, habits, and general background, as well as the stenographic record, if any, of his trial, conviction, and sentence.

Also in accordance with the law, at least ten days prior to the scheduled parole hearing the Board sends a notice to the trial judge and district attorney soliciting any comments or recommendation which they may care to make about the case.

The applicant is finally interviewed in the institution by representatives of the Board, either a District Supervisor or one or more Board Members who have before them the parole application and the official record of the applicant. At this personal interview the applicant is afforded all the time he may desire to plead his case and to supplement the information supplied by him in his written application. The interviewer records his impressions and recommendations immediately after the interview.

At an executive session of the Board soon after, the case is thoroughly considered on the basis of all the above factors, and the Board arrives at a decision, in which at least two Members must concur, either to grant parole, to refuse parole, or to continue the case for further investigation or information or a better parole plan. In refusing parole, the Board usually sets a time for review. It may, however, refuse parole repeatedly; and when in its judgment the applicant cannot be benefited by parole supervision or his release would be incompatible with the best interests of society, it may require him to serve his maximum. Parole is not a prisoner's right, the Supreme Court having determined that the maximum is the legal sentence and the minimum merely a legislative date for the consideration of parole. A prisoner who is refused parole is always advised of the reasons therefor, and sometimes certain conditions are indicated to him for a later review of his case, such as improvement in conduct, attitude, or work record or an effort to meet the educational requirements of the institution.

CONDITIONS OF PAROLE

The Board has adopted the following general rules, regulations, and conditions of parole:

1. Upon his release from the institution, the parolee must proceed directly to the place to which he has been paroled and make an arrival report within twenty-four hours.
2. He must have the written permission of his Parole Agent before he may
 - (a) leave the Commonwealth of Pennsylvania or the community to which he has been paroled;
 - (b) change his residence or employment;
 - (c) possess or apply for a license to hunt or to operate a motor vehicle;
 - (d) get married.
3. If he loses his job, he must immediately report that fact to his Parole Agent; he must make every effort to obtain and hold a legitimate job; and he must advise his employer that he is on parole.
4. He must support his dependents, if he has any, and assume toward them all his moral and legal obligations.
5. He is cautioned against the use of alcoholic beverages.

6. He is forbidden to own, possess, use, sell, distribute, or have under his control narcotic drugs in any form or firearms or other deadly weapons.

7. He must not associate with any person having a criminal record, with any person of bad reputation, or with any other individual with whom his Parole Agent may forbid him to associate.

8. He is forbidden to visit houses of prostitution, gambling sites, or other questionable places.

9. He is forbidden to live in sexual relationship with any one to whom he is not legally married.

10. He must comply with all municipal, county, state, and federal laws, ordinances, and orders and conduct himself as a good citizen.

11. He must not correspond with inmates of any prison or other correctional institution, nor carry messages, call upon, or write to relatives of inmates in the institution from which he has been released.

12. He must permit his Parole Agent to visit him at his home and place of employment at any time.

13. He must reply promptly to any communication from an accredited representative of the Board of Parole.

14. He must submit truthful written reports monthly and any other oral and written reports as may be required of him.

15. If infected with a venereal disease, he must take regular treatments for it until cured.

16. He must register as a person convicted of crime immediately upon his arrival in any locality requiring such registration.

In addition, the Board may impose special conditions to govern particular cases; for example, close supervision, payment of fine and costs, payment of restitution, total abstinence from alcoholic beverages where such indulgence has been a factor in the previous criminal activity or maladjustment of the individual, etc.

Before being released from prison, the parolee is furnished with a copy of the parole rules, which are fully explained to him by a representative of the Board, and is required to sign an agreement to abide by them and to waive extradition if it becomes necessary to return him from another state.

SUPERVISION

Parolees under the jurisdiction of the Pennsylvania Board of Parole are supervised by Parole Agents working out of nine District Offices located in the following cities: Philadelphia, Pittsburgh, Harrisburg, Wilkes-Barre, Williamsport, Erie, Allentown, Butler, and Altoona. Women agents work out of Philadelphia, Pittsburgh and Williamsport. In compliance with legal requirements, parolees must be supervised by Parole Agents of their own sex.

During the period of supervision, the Parole Agents maintains contact with the parolee, both directly and through his family, employer, and sponsor, in an effort to help him to become integrated and to live acceptably in the community. It is also his duty to protect society by returning the parolee to prison when he becomes a threat to peace and security. He is required to keep a running record of his contacts in each case and to submit through his District Supervisor to the Central Office a Quarterly Supervision Report on every parolee assigned to him, with a recommendation as to whether or not he should be continued on parole.

INTERSTATE COMPACT

The Board also supervises parolees for other states and sends parolees to other states for supervision under the terms of the Interstate Compact Law passed by Congress in 1934 and adopted by Pennsylvania in 1937. This is done subject to the approval of the Receiving State, where the parolee or applicant for parole must have a parole plan and usually legal residence. The Sending State is obligated to return a parolee when the Receiving State so recommends. All forty-eight states are now members of this Compact.

VIOLATION OF PAROLE

A parolee may be returned to prison either as a technical violator or as a convicted violator.

A technical violator is one who is returned for breach of parole rules but without having been convicted of a new offense in a court of record. He is given credit for the time he has served "on the street" in good standing.

A convicted violator is a parolee who is returned because of a new conviction in a court of record for a crime punishable by imprisonment. He forfeits all his parole time and is liable to recommitment for the

complete unserved portion of his old sentence, in addition to serving his new sentence, unless the Board sees fit to reparole him at some time.

Every parole violator is interviewed by a representative of the Board and given an opportunity to present his side of the case. Formal action is then taken by the Board either to recommit him to prison or to reinstate him on parole, depending upon the circumstances of the violation.

DISCHARGE FROM PAROLE

The Board of Parole has jurisdiction over the parolee until supervision is terminated by expiration or commutation of the maximum sentence, by pardon, or by death. The power of the Board to discharge from parole prior to such termination is limited to parolees under a general sentence. In these cases the Board has adopted the policy of considering final discharge after the parolee has served at least three years on parole with a satisfactory record.

SPECIAL COMMUTATION

By arrangement with the Board of Pardons, the Board of Parole has developed programs for special commutation of the maximum sentence in two types of cases, to wit:

1. *Parolees who have been honorably discharged from the armed forces after one year of service (or less if battle experience is included) and who have made a satisfactory adjustment in civilian life for a reasonable period of time.*

2. *Parolees who have shown a satisfactory parole adjustment for a period of five years or longer.* Five years was selected as the criterion for such consideration when a statistical study revealed that less than 3% of the returned violators, or less than 0.5% of the total number of parolees, committed their violations after their fifth year on parole. Ten years is the minimum period for consideration of cases on parole by commutation of life sentence.

Standards of eligibility for special commutation have been established by the Board of Parole. The procedure is initiated by the Parole Agent with the approval of the District Supervisor when he believes that a parolee under his supervision is worthy of such consideration and meets the basic requirements. Under a new Board policy, the Parole Agent is required to solicit the views of the sentencing judge.

The Board of Parole has no jurisdiction to release any life-sentenced parolee from supervision. Each such case must be presented to the Board of Pardons and receive the Governor's approval before the parolee is released from supervision.

PARDON BOARD CASES

The Board of Pardons in Pennsylvania is not to be confused with the Board of Parole. It is a constitutional body composed of the Lieutenant Governor, the Attorney General, the Secretary of the Commonwealth, and the Secretary of Internal Affairs for the purpose of considering and advising the Governor on applications for pardon or commutation of the minimum or maximum sentence.

A minimum sentence commuted through this medium establishes a new minimum date for parole consideration. If the Board of Parole sees fit to refuse parole at the commuted minimum, it must within ten days furnish the Board of Pardons with its reasons for such action. The Board of Pardons may either accept those reasons or order the prisoner's release to the supervision of the Board of Parole.

Under the law, the Board of Parole has no jurisdiction over prisoners with life sentences until such sentence has been commuted by the Governor upon recommendation of the Board of Pardons. The commutation enables the prisoner to apply for parole.

Commutation of the maximum sentence or a pardon automatically terminates parole supervision and the jurisdiction of the Board of Parole.

The Board of Parole is required by law to conduct a fact-finding investigation and submit a detailed report on each case coming before the Pardon Board.

SPECIAL PAROLE AND PROBATION CASES

Probation is commonly confused with parole. It differs from parole in that the individual so treated is not sent to prison for his offense but is permitted to remain at liberty under supervision so long as he behaves himself and meets the requirements of the court.

Parole, on the other hand, is a conditional release from prison under supervision after a portion of the sentence has been served in confinement.

The Pennsylvania Board of Parole has no jurisdiction over probation cases. Each county has its own probation system; however, any judge may refer a probation case to the Board of Parole for supervision. Such referred cases are supervised in the same manner and are subject to the same rules as regular parolees, with the reports and recommendations being sent to the judge, who retains jurisdiction and may withdraw or close the case at any time.

The same procedure may be followed with parolees who are under the jurisdiction of the court by virtue of a maximum sentence of less than two years. The court may certify such cases to the supervision of the Parole Board as special parole cases.

BACKGROUND INFORMATION

In order that the concept of parole may be better understood, there follows a treatise on the origin, development, and philosophy of parole and a history of parole in Pennsylvania.

Origin, Development and Philosophy of Parole

EARLY HISTORY

Today's concept of parole did not spring full-grown from the nimble brain of some crack-pot theorist. Rather it is the product of many minds that were faced with the practical problem of what to do with the felon who was not executed.

Parole, as we know it today, has had a slow and devious development with many relapses, and every step of advancement grew out of the necessity of meeting a practical situation.

Parole is based on three fundamentals: (1) remission of part of the sentence imposed by court on the basis of certain conditions, one of which was always good conduct while in prison; (2) a contract or agreement between the paroling authority and the prisoner, infringement of which would result in return to prison; (3) provision for supervision of those released under parole conditions.

The first two aspects of parole developed more or less simultaneously with varying emphasis. The provision of supervision is of more recent origin.

Although the word "parole" was not used until 1846, the idea of conditional release of offenders goes back to colonial days. It may be said that the seed of parole was planted in the Order of the English Privy Council, passed in 1617, making it a policy of the Government to transport convicts overseas when it was found necessary to do something to get rid of the increasing prison population. His Majesty's Government then began sending convicts to the colonists in the new world as indentured servants. Many of these indentured servants, after serving their time or purchasing their freedom, become settlers, and their branches spread into our present civilization.

With the advent of the Revolutionary War, English convicts were sent to New South Wales in Australia where the Governor was given the power of conditional pardon, which later developed into the "Ticket-of-Leave" system introduced by Captain Alexander Macnochie on Norfolk Island in 1840.

Maconochie's system was elaborated and improved by Sir Walter Crofton in Ireland and became known as the Irish System. As carried

out in Ireland, if definitely demonstrated that a system of conditional liberation was workable both for the protection of society and for the rehabilitation of the criminal. The most novel phrases of the Irish System were that it required the person on "Ticket of Leave" to make periodical reports and provided reimprisonment for those who violated their agreement.

By 1865, the Irish System had become well known in America. At the same time prison reformers were critical of the conditions existing in the American prisons and advocated the adoption of the Irish plan. However, objections were raised against it because it used police officers to supervise "Ticket-of-Leave" men. It appears that the same criticism had been raised in England, where prisoners' aid societies were established, partly subsidized by the Government, for the purpose of supervising men on "Ticket of Leave."

Prisoners' aid societies were already in existence in America, although they had been limiting their activities largely to prison visiting. The first of these societies was the Philadelphia Society for Alleviating the Miseries of Public Prisoners, which was first established in 1776, became inactive during the Revolution, was reorganized in 1787, and is still functioning today under the name of the Pennsylvania Prison Society. As early as 1851, this society appointed an agent to work with discharged prisoners.

DEVELOPMENT IN THE UNITED STATES

The first legal recognition of the conditional release idea in America occurred in New York State in 1817 when the first "Good Time" law was passed. A form of conditional release was used in the same state in the indenture of juvenile delinquents released from the House of Refuge under a law passed in 1825. In 1846, Massachusetts appointed an agent to assist released prisoners in obtaining employment, tools, clothing, and transportation with the aid of public funds. Sporadic attempts to establish some system of conditional release were made in France (1832), Spain (1835), and Germany (1842), but the idea was destined to take root and to attain its fullest development in America.

The first full-fledged parole system in this country was established soon after the opening of the Elmira Reformatory in New York in 1876. Z. R. Brockway, the first Superintendent, set up a system which comprised the use of the indeterminate sentence, a system of grading of the inmates while in the reformatory, compulsory education, and the parole of carefully selected prisoners. Supervision of the released

prisoner was provided by volunteer citizens who were known as guardians. One of the conditions of parole was that the parolee must report to his guardian on the first of each month. Later, written reports were required and submitted to the institution after they were certified by the employer and guardian.

The Elmira experiment was designed to rehabilitate young offenders between the ages of sixteen and twenty-five. The first parole law affecting the adult offender was passed in Ohio in 1884. At the present time, every state has a parole law on its statute books.

Parole in this country has developed to the point where interstate cooperation under legal auspices has been achieved in the matter of supervision of parolees as well as in the matter of returning to prison parole violators who go from one state to another. In 1934, Congress passed a law permitting the states to enter into agreements or compacts with each other to promote mutual assistance in the supervision of parolees and in the prevention and control of crime. In 1935, the Interstate Commission on Crime of the Council of State Governments was organized to promote uniform state legislation covering the pursuit and arrest of criminals fleeing from one state into another and the supervision of parolees of one state by another. In the year that Congress passed the legislation referred to above, Massachusetts, New York, New Jersey, and Pennsylvania entered into an informal agreement to supervise each other's parolees. Since that time, all forty-eight states have passed legislation enabling them to enter into legal compacts with each other relative to parole matters under what is known as the Interstate Compact for the Supervision of Probationers and Parolees.

DEVELOPMENT IN PENNSYLVANIA

Some of the basic elements of parole appeared in Pennsylvania for the first time in the procedure of releasing juveniles from the Philadelphia House of Refuge, a private institution which opened in 1826 and is today known as Glen Mills School for Boys. The governing board of this institution was given authority to indenture juvenile offenders to private citizens at its discretion. Another House of Refuge was opened in western Pennsylvania as a state institution in 1854 and is today known as the Pennsylvania Training School at Morganza. This institution also made use of indenture in the release of its inmates.

The first "Good Time" law was passed in 1861. Under this law, the wardens of the penitentiaries were required to keep a record of infractions committed by the prisoners. Those with no marks against them

were entitled to a reduction of sentence according to a complicated scale based on the original sentence given by the court and the number of months served. This law, however, was declared unconstitutional, and another law with a similar method of computation was passed in 1869. Still another act, passed in 1901 and superseding the law of 1869, provided that all prisoners confined in any state or county penal institution for one year or more could earn commutation. This act still applies to cases sentenced to county prisons with flat sentences of one year or more. However, under the current State Parole Act, those who serve flat sentences of two years or more are eligible to apply for parole before they become eligible for "Good Time" under the law of 1901. Discharge under the "Good Time" law—or Commutation Act of 1901—can be granted only by the Governor upon recommendation of the Board of Pardons.

Parole in the modern sense was first applied to young adults in this State when the Pennsylvania Industrial Reformatory at Huntingdon was established in 1887. Under the law governing this institution, imprisonment in the reformatory could be imposed only under a general sentence, better known as indeterminate, in which the court determined neither the minimum nor the maximum. The institution set the maximum on the basis of the maximum set by the Criminal Code for each crime. The board of managers had the power to grant release with or without parole. The system was copied after the reformatory system at Elmira, New York, and is retained today at the Pennsylvania Industrial School at White Hill, except that parole is always imposed if release occurs before the maximum.

The Basic Law of 1909 and Amendments

It was not until 1909 that the basic law was passed providing parole for prisoners in the penitentiaries. It provided that cases sentenced to penitentiaries must be given sentences, the minimum of which could not exceed one-fourth of the maximum. Thus, the indeterminate sentence idea, in a modified form, was introduced in the penitentiaries. Penitentiary cases were paroled by the Governor upon recommendation of the board of trustees of the institution and the Board of Pardons. Parole could be terminated before the expiration of the maximum sentence by the same procedure.

The Act of 1909 was amended in 1911. Under the amendments, the limiting of the minimum sentence to one-fourth of the maximum on

penitentiary cases was eliminated, and the courts practically returned to the imposition of flat sentences with very small differences between the minimum and the maximum. Thus, the advancement toward the indeterminate sentence suffered a relapse.

The Act of 1911 extended parole powers to the Courts of Quarter Sessions throughout the State. This gave the criminal courts the power to parole and reparole and to commit and recommit for parole violation all cases sentenced to the county prisons.

The indeterminate sentence idea received new impetus in 1913 when the State Industrial Home for Women at Muncy was established. The acts governing this institution call for the imposition of a general sentence on all cases sentenced there. Before the Parole Board was established, parole was granted by the board of managers on recommendation of the superintendent and with the approval of the court of commitment.

In 1923, the Ludlow Act was passed governing the sentencing of defendants to the penitentiaries. This act requires that the sentences imposed in such cases shall have a minimum and a maximum set by the court, but that the minimum shall not exceed half of the maximum, and that the maximum shall not exceed that imposed by the statutes for the crime. This law prevails today in the sentencing of all cases to the penitentiaries. The courts have authority to apply it also to defendants who are sentenced to county prisons and workhouses for crimes punishable by imprisonment in a penitentiary.

Although the laws so far discussed provided for the release of prisoners prior to the expiration of the sentence, they made no adequate provision for the supervision of the prisoners so released. The penitentiaries and the reformatory maintained a parole officer each, whose duty it was to send out monthly report blanks to the various men on parole, requesting limited information relative to current address and employment. These were countersigned by a sponsor and returned to the institutions. Because of the inadequacy of the personnel, personal contacts with men on parole were out of the question. Some personal supervision was afforded the parolees from the State Industrial Home for Women. This institution from the beginning was able to arrange for supervision of its parolees by two parole officers located respectively in Philadelphia and Pittsburgh, in addition to the parole officer at the institution. At the county level, the courts were given power to appoint one or more probation officers. However, the number appointed has seldom been adequate for the case load that these officers have to carry.

Supervision of a small number of parolees released from state penitentiaries and some county jails was provided by some private agencies, like the Pennsylvania Prison Society. It was pointed out earlier that this organization had for a long time been actively interested in persons released from prisons. They not only had been concerned with the supervision and aiding of such subjects, but at one time provided shelter for released prisoners. However, the number of cases that they are able to supervise is small.

THE PAROLE SYSTEM UNDER THE DEPARTMENT OF JUSTICE (1929-1942)

By 1925, the law makers came to realize that the releasing of prisoners on parole prior to the expiration of the maximum would serve no purpose unless those so released were given supervision and guidance toward an intelligent readjustment. A Parole Commission was appointed to study the problem. As a result of the recommendations of this Commission, laws were passed in 1929 creating a State Bureau of Parole Supervision under the authority of the Board of Pardons. Three related acts gave the Board of Pardons the supervision of parolees from the penitentiaries and the reformatory; the Attorney General was given the authority to appoint a Supervisor of Parole and the necessary field agents; and the Board of Pardons was given the power also to arrest parole violators through warrants issued to its agents and return them to the institutions. Thus was established the first State System of Parole Supervision.

A Central Office was established in Harrisburg with the Supervisor of Parole in charge, and the State was divided into six districts with headquarters in Philadelphia, Pittsburgh, York, Wilkes-Barre, Bellefonte, and Erie, each in charge of a Senior Parole Agent.

As was observed in the preceding section, Pennsylvania, through its Supervisor of Parole, entered into an informal agreement in 1934 with Massachusetts, New York, and New Jersey for the supervision of their parolees in exchange for the supervision of Pennsylvania parolees by them. This arrangement was formalized in 1937 by the enactment of a law authorizing the Governor, under the Act of Congress passed in 1934, to enter into a compact with any other state and to designate an officer to represent the Commonwealth of Pennsylvania in the transaction of all interstate matters pertaining to crime and especially the supervision of parolees.

ESTABLISHMENT OF THE PRESENT PAROLE SYSTEM ACT OF 1941

Before the passing of the Parole Acts of 1929, there were in Pennsylvania many systems of parole. At the state level, each of the state institutions, namely, the two penitentiaries, the Industrial School at Huntingdon, the State Industrial Home for Women at Muncy, and the Pennsylvania Training School at Morganza, had its own system of parole. Private and semi-private institutions for juveniles each had its system of conditional release and supervision.

At the penitentiaries, the board of trustees recommended parole to the Board of Pardons, who in turn recommended to the Governor. At the Industrial School at Huntingdon, the board of managers paroled without the necessity of referring the matter to the Governor. At the State Industrial Home for Women, the board of managers paroled with the approval of the committing courts. At the Pennsylvania Training School at Morganza, parole was granted by the board of managers with the approval of the committing court.

At the county level, each county had, and still has, its own parole system run entirely at the discretion of the courts, who have the power not only to parole before the expiration of a minimum sentence, but also to discharge from parole or probation at any time. The court has the power to appoint one or more probation officers charged with the responsibility of making investigations for the court and also of supervising probationers and parolees. Before the Parole Act of 1941, these services applied to all cases which the judges had sentenced to local county prisons and workhouses regardless of the length of sentence involved.

The Acts of 1929 brought under one system the supervision of parolees released from the penitentiaries and the Industrial School and tended to standardize the procedure of release from these institutions, thus paving the way for the creation of an independent Board of Parole and the establishment of a unified parole service under the Parole Act of 1941.

PHILOSOPHY AND PRINCIPLES OF PAROLE

Parole as we know it today is the logical consequence of the change in point of view toward crime and punishment. During the last century, we have observed a restriction in the application of capital punishment and a repudiation of the Devil's Island form of penology. The result is that a large proportion of persons convicted of crimes go

to prison instead of being killed off, and nearly every one that goes to prison is sooner or later returned to society.

The fact that we no longer believe in the elimination of the offender by death, but believe that there is some good in every offender which renders him redeemable, gives rise to the need of a service like parole. In the assumption of a more humane attitude toward the criminal, society has taken unto itself certain risks. Parole results from a desire to counteract these risks.

Society has every right to protect itself against such risks in any way it can, but it is obvious that the most profitable way of obtaining this protection is by turning the criminal into a useful citizen. Parole is a means to this end.

Considered in this light, no criminal has a *right* to parole. It is society that has a right to parole for several reasons, all of which insure a measure of protection. Parole is the service that aids the released prisoner to bridge the gap between the relatively abnormal environment of the prison and that of the community. Parole provides a period in the life of the offender when he can be removed from society as soon as he shows indication of dangerous behavior without waiting until he commits another crime. It provides legal authority to compel a former offender to live up to acceptable standards of conduct. It provides for the former offender a period of supervision under normal social conditions before he is completely free. It also provides in part a test of the efficacy of prison treatment.

Authorities agree that parole is a case work service in an authoritarian setting, although there is still controversy as to the effect of the unavoidable authoritarian factors upon the efficacy of case work techniques. Nevertheless, parole work, dealing primarily with the supervision and guidance of persons released from prisons, cannot at best deal with its problems in any other way than by the individual case method. As its chief concern is that of helping the individual resume a respectable place in the community, parole must rely on community resources and community cooperation for its success. This is imperative because the adjustment of the individual is an adjustment to society. Furthermore, it is necessary to arouse community consciousness to the social realities of the problems of parole and to point out the responsibilities of the public in the process of rehabilitation of the offender.

Finally, the success of any parole system, however well conceived, will depend upon how it is administered. Realizing the importance of this fact, leaders in the field of parole have laid down a set of principles which we present here.

A Declaration of the Principles of Parole

(Adopted April 18, 1939)

We, the delegates to the National Parole Conference, assembled at the request of the President of the United States, and representing the governors of the several states, the judiciary, federal, state, and municipal law enforcement officials, the church, the community, and the various penal and correctional systems in the United States,

Recognizing that

Practically all imprisoned offenders are by operation of law ultimately released, and that

Parole, when properly administered and carefully distinguished from clemency, protects the public by maintaining control over offenders after they leave prison, do declare and affirm that

For Parole Fully to Achieve its Purpose

1. The paroling authority should be impartial, non-political, professionally competent, and able to give the time necessary for full consideration of each case;
2. The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;
3. The paroling authority should have complete and reliable information concerning the prisoner, his background, and the situation which will confront him on his release;
4. The parole program of treatment and training should be an integral part of a system of criminal justice;
5. The period of imprisonment should be used to prepare the individual vocationally, physically, mentally, and spiritually for return to society;
6. The community through its social agencies, public and private, and in cooperation with the parole service should accept the responsibility for improving home and neighborhood conditions in preparation for the prisoner's release;

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The Pennsylvania Parole System

PENNSYLVANIA BOARD OF PAROLE

HARRISBURG, PENNSYLVANIA

DOCUMENTS SECTION

The Pennsylvania Board of Parole

CREATION AND COMPOSITION

The Pennsylvania Board of Parole was established by the Act of August 6, 1941, P. L. 861, for the following stated legislative purpose:

The value of parole as a disciplinary and corrective influence and process is hereby recognized, and it is declared to be the public policy of this Commonwealth that persons subject or sentenced to imprisonment for crime shall, on release therefrom, be subjected to a period of parole during which their rehabilitation, adjustment and restoration to social and economic life and activities shall be aided and facilitated by guidance and supervision under a competent and efficient parole administration, and to that end it is the intent of this act to create a uniform and exclusive system for the administration of parole in this Commonwealth.

Under the amending Act of May 27, 1943, P. L. 767, the Board is comprised of three members appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. Members are appointed for four years and are not permitted to hold any other public office or position, nor to engage in any business, profession, or employment during the terms for which they are appointed.

JURISDICTION

The Board has exclusive power to parole and reparole, to commit and recommit for violations of parole, and to discharge from parole all persons sentenced by any court in the Commonwealth to imprisonment in any state or county correctional institution for a maximum term of two years or more, except those classified by legal procedure as defective delinquents or as juveniles and convicts sentenced to life imprisonment. The actions of the Board are not reviewable by any other authority.

ELIGIBILITY FOR PAROLE

The time of eligibility for parole depends upon the type of sentence imposed. There are four kinds of sentences, to wit:

1. *The indeterminate sentence, which has a minimum and a maximum set by the court. The minimum may not exceed one-half of the imposed maximum, and the legal maximum is fixed by*

statute for each type of offense. A prisoner may be committed to either a state or a county prison under such a sentence.

2. *The flat, or definite, sentence, in which a maximum but no minimum is set by the court.* Such a sentence may be imposed only for certain types of crimes for which the law provides simple imprisonment in a county prison.
3. *The general sentence, which is imposed only in cases committed to the Pennsylvania Industrial School at Camp Hill and the State Industrial Home for Women at Muncy.* The court fixes neither a minimum nor a maximum term in such sentence; but for administrative purposes, in order to avoid the risk of illegal detention, the institution records the maximum provided by statute for the particular crime committed. Under a law passed in 1953, general sentences to the Pennsylvania Industrial School are limited to a maximum of six years.
4. *Sentences imposed under the Sex Offender Act passed in 1951, under which a person convicted of a sex crime may be sentenced to a state institution for one day to life, at the discretion of the judge, upon the written report of a complete psychiatric examination made through the facilities of the Department of Welfare or by a psychiatrist designated by the court.* Within three months after a person has been sentenced under this Act, and at least every six months thereafter, the Board of Parole must secure a further psychiatric report from the Department of Welfare and review the complete record of such person for the purpose of determining whether or not he shall be paroled.

In indeterminate sentence cases, the Board cannot release on parole prior to the expiration of the minimum term either as imposed by the court or as commuted by the Governor upon the recommendation of the Board of Pardons.

In flat and general sentences, the Board has the power to grant parole at any time upon application made by the prisoner or on its own motion. The Board, however, does not consider parole on general sentences until the prisoner's application has been submitted by the institution with a progress report and the superintendent's recommendation.

If the Board refuses to grant parole prior to the expiration of a flat sentence, the prisoner has the right to a "Good Time" deduction under the Commutation Act of 1901 provided his conduct in the institution has been satisfactory. The Commutation Act does not apply when parole is granted.

PROCEDURE AND CRITERIA FOR PAROLE CONSIDERATION

Processing of an application for parole begins approximately two months prior to the expiration of the minimum term. At the proper time, the prisoner is routinely furnished with an application blank, which he must fill out in his own handwriting if he is able to write. This form includes space for the applicant's version of his current offense, his previous criminal record, his parole plan, his dependents, his prison work assignments and earnings, the use he has made of his earnings, the efforts he has made to improve himself in prison, and the reasons why he thinks parole should be granted him.

The completed application is forwarded to the Board of Parole by the institution with an up-to-date summary of the applicant's conduct, work, and educational record while confined and other data reflecting upon his current mental and physical condition, attitude, and general progress; the recommendation of the warden or superintendent; and a parole plan consisting of a home, a job, and a parole adviser. The plan is sent to the proper District Office of the Board for investigation by a Parole Agent, who, on the basis of his findings, recommends its acceptance or rejection, in whole or in part.

During the period of the applicant's incarceration, the Board, in conformity with the law, has procured information as full and complete as has been obtainable with regard to the circumstances of his offense, the community sentiment, his previous criminal record, and his character, mental characteristics, habits, and general background, as well as the stenographic record, if any, of his trial, conviction, and sentence.

Also in accordance with the law, at least ten days prior to the scheduled parole hearing the Board sends a notice to the trial judge and district attorney soliciting any comments or recommendation which they may care to make about the case.

The applicant is finally interviewed in the institution by representatives of the Board, either a District Supervisor or one or more Board Members who have before them the parole application and the official record of the applicant. At this personal interview the applicant is afforded all the time he may desire to plead his case and to supplement the information supplied by him in his written application. The interviewer records his impressions and recommendations immediately after the interview.

At an executive session of the Board soon after, the case is thoroughly considered on the basis of all the above factors, and the Board arrives at a decision, in which at least two Members must concur, either to grant parole, to refuse parole, or to continue the case for further investigation or information or a better parole plan. In refusing parole, the Board usually sets a time for review. It may, however, refuse parole repeatedly; and when in its judgment the applicant cannot be benefited by parole supervision or his release would be incompatible with the best interests of society, it may require him to serve his maximum. Parole is not a prisoner's right, the Supreme Court having determined that the maximum is the legal sentence and the minimum merely a legislative date for the consideration of parole. A prisoner who is refused parole is always advised of the reasons therefor, and sometimes certain conditions are indicated to him for a later review of his case, such as improvement in conduct, attitude, or work record or an effort to meet the educational requirements of the institution.

CONDITIONS OF PAROLE

The Board has adopted the following general rules, regulations, and conditions of parole:

1. Upon his release from the institution, the parolee must proceed directly to the place to which he has been paroled and make an arrival report within twenty-four hours.
2. He must have the written permission of his Parole Agent before he may
 - (a) leave the Commonwealth of Pennsylvania or the community to which he has been paroled;
 - (b) change his residence or employment;
 - (c) possess or apply for a license to hunt or to operate a motor vehicle;
 - (d) get married.
3. If he loses his job, he must immediately report that fact to his Parole Agent; he must make every effort to obtain and hold a legitimate job; and he must advise his employer that he is on parole.
4. He must support his dependents, if he has any, and assume toward them all his moral and legal obligations.
5. He is cautioned against the use of alcoholic beverages.

6. He is forbidden to own, possess, use, sell, distribute, or have under his control narcotic drugs in any form or firearms or other deadly weapons.

7. He must not associate with any person having a criminal record, with any person of bad reputation, or with any other individual with whom his Parole Agent may forbid him to associate.

8. He is forbidden to visit houses of prostitution, gambling sites, or other questionable places.

9. He is forbidden to live in sexual relationship with any one to whom he is not legally married.

10. He must comply with all municipal, county, state, and federal laws, ordinances, and orders and conduct himself as a good citizen.

11. He must not correspond with inmates of any prison or other correctional institution, nor carry messages, call upon, or write to relatives of inmates in the institution from which he has been released.

12. He must permit his Parole Agent to visit him at his home and place of employment at any time.

13. He must reply promptly to any communication from an accredited representative of the Board of Parole.

14. He must submit truthful written reports monthly and any other oral and written reports as may be required of him.

15. If infected with a venereal disease, he must take regular treatments for it until cured.

16. He must register as a person convicted of crime immediately upon his arrival in any locality requiring such registration.

In addition, the Board may impose special conditions to govern particular cases; for example, close supervision, payment of fine and costs, payment of restitution, total abstinence from alcoholic beverages where such indulgence has been a factor in the previous criminal activity or maladjustment of the individual, etc.

Before being released from prison, the parolee is furnished with a copy of the parole rules, which are fully explained to him by a representative of the Board, and is required to sign an agreement to abide by them and to waive extradition if it becomes necessary to return him from another state.

SUPERVISION

Parolees under the jurisdiction of the Pennsylvania Board of Parole are supervised by Parole Agents working out of nine District Offices located in the following cities: Philadelphia, Pittsburgh, Harrisburg, Wilkes-Barre, Williamsport, Erie, Allentown, Butler, and Altoona. Women agents work out of Philadelphia, Pittsburgh and Williamsport. In compliance with legal requirements, parolees must be supervised by Parole Agents of their own sex.

During the period of supervision, the Parole Agents maintains contact with the parolee, both directly and through his family, employer, and sponsor, in an effort to help him to become integrated and to live acceptably in the community. It is also his duty to protect society by returning the parolee to prison when he becomes a threat to peace and security. He is required to keep a running record of his contacts in each case and to submit through his District Supervisor to the Central Office a Quarterly Supervision Report on every parolee assigned to him, with a recommendation as to whether or not he should be continued on parole.

INTERSTATE COMPACT

The Board also supervises parolees for other states and sends parolees to other states for supervision under the terms of the Interstate Compact Law passed by Congress in 1934 and adopted by Pennsylvania in 1937. This is done subject to the approval of the Receiving State, where the parolee or applicant for parole must have a parole plan and usually legal residence. The Sending State is obligated to return a parolee when the Receiving State so recommends. All forty-eight states are now members of this Compact.

VIOLATION OF PAROLE

A parolee may be returned to prison either as a technical violator or as a convicted violator.

A technical violator is one who is returned for breach of parole rules but without having been convicted of a new offense in a court of record. He is given credit for the time he has served "on the street" in good standing.

A convicted violator is a parolee who is returned because of a new conviction in a court of record for a crime punishable by imprisonment. He forfeits all his parole time and is liable to recommitment for the

complete unserved portion of his old sentence, in addition to serving his new sentence, unless the Board sees fit to reparole him at some time.

Every parole violator is interviewed by a representative of the Board and given an opportunity to present his side of the case. Formal action is then taken by the Board either to recommit him to prison or to reinstate him on parole, depending upon the circumstances of the violation.

DISCHARGE FROM PAROLE

The Board of Parole has jurisdiction over the parolee until supervision is terminated by expiration or commutation of the maximum sentence, by pardon, or by death. The power of the Board to discharge from parole prior to such termination is limited to parolees under a general sentence. In these cases the Board has adopted the policy of considering final discharge after the parolee has served at least three years on parole with a satisfactory record.

SPECIAL COMMUTATION

By arrangement with the Board of Pardons, the Board of Parole has developed programs for special commutation of the maximum sentence in two types of cases, to wit:

1. *Parolees who have been honorably discharged from the armed forces after one year of service (or less if battle experience is included) and who have made a satisfactory adjustment in civilian life for a reasonable period of time.*

2. *Parolees who have shown a satisfactory parole adjustment for a period of five years or longer.* Five years was selected as the criterion for such consideration when a statistical study revealed that less than 3% of the returned violators, or less than 0.5% of the total number of parolees, committed their violations after their fifth year on parole. Ten years is the minimum period for consideration of cases on parole by commutation of life sentence.

Standards of eligibility for special commutation have been established by the Board of Parole. The procedure is initiated by the Parole Agent with the approval of the District Supervisor when he believes that a parolee under his supervision is worthy of such consideration and meets the basic requirements. Under a new Board policy, the Parole Agent is required to solicit the views of the sentencing judge.

The Board of Parole has no jurisdiction to release any life-sentenced parolee from supervision. Each such case must be presented to the Board of Pardons and receive the Governor's approval before the parolee is released from supervision.

PARDON BOARD CASES

The Board of Pardons in Pennsylvania is not to be confused with the Board of Parole. It is a constitutional body composed of the Lieutenant Governor, the Attorney General, the Secretary of the Commonwealth, and the Secretary of Internal Affairs for the purpose of considering and advising the Governor on applications for pardon or commutation of the minimum or maximum sentence.

A minimum sentence commuted through this medium establishes a new minimum date for parole consideration. If the Board of Parole sees fit to refuse parole at the commuted minimum, it must within ten days furnish the Board of Pardons with its reasons for such action. The Board of Pardons may either accept those reasons or order the prisoner's release to the supervision of the Board of Parole.

Under the law, the Board of Parole has no jurisdiction over prisoners with life sentences until such sentence has been commuted by the Governor upon recommendation of the Board of Pardons. The commutation enables the prisoner to apply for parole.

Commutation of the maximum sentence or a pardon automatically terminates parole supervision and the jurisdiction of the Board of Parole.

The Board of Parole is required by law to conduct a fact-finding investigation and submit a detailed report on each case coming before the Pardon Board.

SPECIAL PAROLE AND PROBATION CASES

Probation is commonly confused with parole. It differs from parole in that the individual so treated is not sent to prison for his offense but is permitted to remain at liberty under supervision so long as he behaves himself and meets the requirements of the court.

Parole, on the other hand, is a conditional release from prison under supervision after a portion of the sentence has been served in confinement.

The Pennsylvania Board of Parole has no jurisdiction over probation cases. Each county has its own probation system; however, any judge may refer a probation case to the Board of Parole for supervision. Such referred cases are supervised in the same manner and are subject to the same rules as regular parolees, with the reports and recommendations being sent to the judge, who retains jurisdiction and may withdraw or close the case at any time.

The same procedure may be followed with parolees who are under the jurisdiction of the court by virtue of a maximum sentence of less than two years. The court may certify such cases to the supervision of the Parole Board as special parole cases.

BACKGROUND INFORMATION

In order that the concept of parole may be better understood, there follows a treatise on the origin, development, and philosophy of parole and a history of parole in Pennsylvania.

Origin, Development and Philosophy of Parole

EARLY HISTORY

Today's concept of parole did not spring full-grown from the nimble brain of some crack-pot theorist. Rather it is the product of many minds that were faced with the practical problem of what to do with the felon who was not executed.

Parole, as we know it today, has had a slow and devious development with many relapses, and every step of advancement grew out of the necessity of meeting a practical situation.

Parole is based on three fundamentals: (1) remission of part of the sentence imposed by court on the basis of certain conditions, one of which was always good conduct while in prison; (2) a contract or agreement between the paroling authority and the prisoner, infringement of which would result in return to prison; (3) provision for supervision of those released under parole conditions.

The first two aspects of parole developed more or less simultaneously with varying emphasis. The provision of supervision is of more recent origin.

Although the word "parole" was not used until 1846, the idea of conditional release of offenders goes back to colonial days. It may be said that the seed of parole was planted in the Order of the English Privy Council, passed in 1617, making it a policy of the Government to transport convicts overseas when it was found necessary to do something to get rid of the increasing prison population. His Majesty's Government then began sending convicts to the colonists in the new world as indentured servants. Many of these indentured servants, after serving their time or purchasing their freedom, become settlers, and their branches spread into our present civilization.

With the advent of the Revolutionary War, English convicts were sent to New South Wales in Australia where the Governor was given the power of conditional pardon, which later developed into the "Ticket-of-Leave" system introduced by Captain Alexander Macnochie on Norfolk Island in 1840.

Maconochie's system was elaborated and improved by Sir Walter Crofton in Ireland and became known as the Irish System. As carried

out in Ireland, if definitely demonstrated that a system of conditional liberation was workable both for the protection of society and for the rehabilitation of the criminal. The most novel phrases of the Irish System were that it required the person on "Ticket of Leave" to make periodical reports and provided reimprisonment for those who violated their agreement.

By 1865, the Irish System had become well known in America. At the same time prison reformers were critical of the conditions existing in the American prisons and advocated the adoption of the Irish plan. However, objections were raised against it because it used police officers to supervise "Ticket-of-Leave" men. It appears that the same criticism had been raised in England, where prisoners' aid societies were established, partly subsidized by the Government, for the purpose of supervising men on "Ticket of Leave."

Prisoners' aid societies were already in existence in America, although they had been limiting their activities largely to prison visiting. The first of these societies was the Philadelphia Society for Alleviating the Miseries of Public Prisoners, which was first established in 1776, became inactive during the Revolution, was reorganized in 1787, and is still functioning today under the name of the Pennsylvania Prison Society. As early as 1851, this society appointed an agent to work with discharged prisoners.

DEVELOPMENT IN THE UNITED STATES

The first legal recognition of the conditional release idea in America occurred in New York State in 1817 when the first "Good Time" law was passed. A form of conditional release was used in the same state in the indenture of juvenile delinquents released from the House of Refuge under a law passed in 1825. In 1846, Massachusetts appointed an agent to assist released prisoners in obtaining employment, tools, clothing, and transportation with the aid of public funds. Sporadic attempts to establish some system of conditional release were made in France (1832), Spain (1835), and Germany (1842), but the idea was destined to take root and to attain its fullest development in America.

The first full-fledged parole system in this country was established soon after the opening of the Elmira Reformatory in New York in 1876. Z. R. Brockway, the first Superintendent, set up a system which comprised the use of the indeterminate sentence, a system of grading of the inmates while in the reformatory, compulsory education, and the parole of carefully selected prisoners. Supervision of the released

prisoner was provided by volunteer citizens who were known as guardians. One of the conditions of parole was that the parolee must report to his guardian on the first of each month. Later, written reports were required and submitted to the institution after they were certified by the employer and guardian.

The Elmira experiment was designed to rehabilitate young offenders between the ages of sixteen and twenty-five. The first parole law affecting the adult offender was passed in Ohio in 1884. At the present time, every state has a parole law on its statute books.

Parole in this country has developed to the point where interstate cooperation under legal auspices has been achieved in the matter of supervision of parolees as well as in the matter of returning to prison parole violators who go from one state to another. In 1934, Congress passed a law permitting the states to enter into agreements or compacts with each other to promote mutual assistance in the supervision of parolees and in the prevention and control of crime. In 1935, the Interstate Commission on Crime of the Council of State Governments was organized to promote uniform state legislation covering the pursuit and arrest of criminals fleeing from one state into another and the supervision of parolees of one state by another. In the year that Congress passed the legislation referred to above, Massachusetts, New York, New Jersey, and Pennsylvania entered into an informal agreement to supervise each other's parolees. Since that time, all forty-eight states have passed legislation enabling them to enter into legal compacts with each other relative to parole matters under what is known as the Interstate Compact for the Supervision of Probationers and Parolees.

DEVELOPMENT IN PENNSYLVANIA

Some of the basic elements of parole appeared in Pennsylvania for the first time in the procedure of releasing juveniles from the Philadelphia House of Refuge, a private institution which opened in 1826 and is today known as Glen Mills School for Boys. The governing board of this institution was given authority to indenture juvenile offenders to private citizens at its discretion. Another House of Refuge was opened in western Pennsylvania as a state institution in 1854 and is today known as the Pennsylvania Training School at Morgantown. This institution also made use of indenture in the release of its inmates.

The first "Good Time" law was passed in 1861. Under this law, the wardens of the penitentiaries were required to keep a record of infractions committed by the prisoners. Those with no marks against them

were entitled to a reduction of sentence according to a complicated scale based on the original sentence given by the court and the number of months served. This law, however, was declared unconstitutional, and another law with a similar method of computation was passed in 1869. Still another act, passed in 1901 and superseding the law of 1869, provided that all prisoners confined in any state or county penal institution for one year or more could earn commutation. This act still applies to cases sentenced to county prisons with flat sentences of one year or more. However, under the current State Parole Act, those who serve flat sentences of two years or more are eligible to apply for parole before they become eligible for "Good Time" under the law of 1901. Discharge under the "Good Time" law—or Commutation Act of 1901—can be granted only by the Governor upon recommendation of the Board of Pardons.

Parole in the modern sense was first applied to young adults in this State when the Pennsylvania Industrial Reformatory at Huntingdon was established in 1887. Under the law governing this institution, imprisonment in the reformatory could be imposed only under a general sentence, better known as indeterminate, in which the court determined neither the minimum nor the maximum. The institution set the maximum on the basis of the maximum set by the Criminal Code for each crime. The board of managers had the power to grant release with or without parole. The system was copied after the reformatory system at Elmira, New York, and is retained today at the Pennsylvania Industrial School at White Hill, except that parole is always imposed if release occurs before the maximum.

The Basic Law of 1909 and Amendments

It was not until 1909 that the basic law was passed providing parole for prisoners in the penitentiaries. It provided that cases sentenced to penitentiaries must be given sentences, the minimum of which could not exceed one-fourth of the maximum. Thus, the indeterminate sentence idea, in a modified form, was introduced in the penitentiaries. Penitentiary cases were paroled by the Governor upon recommendation of the board of trustees of the institution and the Board of Pardons. Parole could be terminated before the expiration of the maximum sentence by the same procedure.

The Act of 1909 was amended in 1911. Under the amendments, the limiting of the minimum sentence to one-fourth of the maximum on

penitentiary cases was eliminated, and the courts practically returned to the imposition of flat sentences with very small differences between the minimum and the maximum. Thus, the advancement toward the indeterminate sentence suffered a relapse.

The Act of 1911 extended parole powers to the Courts of Quarter Sessions throughout the State. This gave the criminal courts the power to parole and reparole and to commit and recommit for parole violation all cases sentenced to the county prisons.

The indeterminate sentence idea received new impetus in 1913 when the State Industrial Home for Women at Muncy was established. The acts governing this institution call for the imposition of a general sentence on all cases sentenced there. Before the Parole Board was established, parole was granted by the board of managers on recommendation of the superintendent and with the approval of the court of commitment.

In 1923, the Ludlow Act was passed governing the sentencing of defendants to the penitentiaries. This act requires that the sentences imposed in such cases shall have a minimum and a maximum set by the court, but that the minimum shall not exceed half of the maximum, and that the maximum shall not exceed that imposed by the statutes for the crime. This law prevails today in the sentencing of all cases to the penitentiaries. The courts have authority to apply it also to defendants who are sentenced to county prisons and workhouses for crimes punishable by imprisonment in a penitentiary.

Although the laws so far discussed provided for the release of prisoners prior to the expiration of the sentence, they made no adequate provision for the supervision of the prisoners so released. The penitentiaries and the reformatory maintained a parole officer each, whose duty it was to send out monthly report blanks to the various men on parole, requesting limited information relative to current address and employment. These were countersigned by a sponsor and returned to the institutions. Because of the inadequacy of the personnel, personal contacts with men on parole were out of the question. Some personal supervision was afforded the parolees from the State Industrial Home for Women. This institution from the beginning was able to arrange for supervision of its parolees by two parole officers located respectively in Philadelphia and Pittsburgh, in addition to the parole officer at the institution. At the county level, the courts were given power to appoint one or more probation officers. However, the number appointed has seldom been adequate for the case load that these officers have to carry.

Supervision of a small number of parolees released from state penitentiaries and some county jails was provided by some private agencies, like the Pennsylvania Prison Society. It was pointed out earlier that this organization had for a long time been actively interested in persons released from prisons. They not only had been concerned with the supervision and aiding of such subjects, but at one time provided shelter for released prisoners. However, the number of cases that they are able to supervise is small.

THE PAROLE SYSTEM UNDER THE DEPARTMENT OF JUSTICE (1929-1942)

By 1925, the law makers came to realize that the releasing of prisoners on parole prior to the expiration of the maximum would serve no purpose unless those so released were given supervision and guidance toward an intelligent readjustment. A Parole Commission was appointed to study the problem. As a result of the recommendations of this Commission, laws were passed in 1929 creating a State Bureau of Parole Supervision under the authority of the Board of Pardons. Three related acts gave the Board of Pardons the supervision of parolees from the penitentiaries and the reformatory; the Attorney General was given the authority to appoint a Supervisor of Parole and the necessary field agents; and the Board of Pardons was given the power also to arrest parole violators through warrants issued to its agents and return them to the institutions. Thus was established the first State System of Parole Supervision.

A Central Office was established in Harrisburg with the Supervisor of Parole in charge, and the State was divided into six districts with headquarters in Philadelphia, Pittsburgh, York, Wilkes-Barre, Bellefonte, and Erie, each in charge of a Senior Parole Agent.

As was observed in the preceding section, Pennsylvania, through its Supervisor of Parole, entered into an informal agreement in 1934 with Massachusetts, New York, and New Jersey for the supervision of their parolees in exchange for the supervision of Pennsylvania parolees by them. This arrangement was formalized in 1937 by the enactment of a law authorizing the Governor, under the Act of Congress passed in 1934, to enter into a compact with any other state and to designate an officer to represent the Commonwealth of Pennsylvania in the transaction of all interstate matters pertaining to crime and especially the supervision of parolees.

ESTABLISHMENT OF THE PRESENT PAROLE SYSTEM ACT OF 1941

Before the passing of the Parole Acts of 1929, there were in Pennsylvania many systems of parole. At the state level, each of the state institutions, namely, the two penitentiaries, the Industrial School at Huntingdon, the State Industrial Home for Women at Muncy, and the Pennsylvania Training School at Morganza, had its own system of parole. Private and semi-private institutions for juveniles each had its system of conditional release and supervision.

At the penitentiaries, the board of trustees recommended parole to the Board of Pardons, who in turn recommended to the Governor. At the Industrial School at Huntingdon, the board of managers paroled without the necessity of referring the matter to the Governor. At the State Industrial Home for Women, the board of managers paroled with the approval of the committing courts. At the Pennsylvania Training School at Morganza, parole was granted by the board of managers with the approval of the committing court.

At the county level, each county had, and still has, its own parole system run entirely at the discretion of the courts, who have the power not only to parole before the expiration of a minimum sentence, but also to discharge from parole or probation at any time. The court has the power to appoint one or more probation officers charged with the responsibility of making investigations for the court and also of supervising probationers and parolees. Before the Parole Act of 1941, these services applied to all cases which the judges had sentenced to local county prisons and workhouses regardless of the length of sentence involved.

The Acts of 1929 brought under one system the supervision of parolees released from the penitentiaries and the Industrial School and tended to standardize the procedure of release from these institutions, thus paving the way for the creation of an independent Board of Parole and the establishment of a unified parole service under the Parole Act of 1941.

PHILOSOPHY AND PRINCIPLES OF PAROLE

Parole as we know it today is the logical consequence of the change in point of view toward crime and punishment. During the last century, we have observed a restriction in the application of capital punishment and a repudiation of the Devil's Island form of penology. The result is that a large proportion of persons convicted of crimes go

to prison instead of being killed off, and nearly every one that goes to prison is sooner or later returned to society.

The fact that we no longer believe in the elimination of the offender by death, but believe that there is some good in every offender which renders him redeemable, gives rise to the need of a service like parole. In the assumption of a more humane attitude toward the criminal, society has taken unto itself certain risks. Parole results from a desire to counteract these risks.

Society has every right to protect itself against such risks in any way it can, but it is obvious that the most profitable way of obtaining this protection is by turning the criminal into a useful citizen. Parole is a means to this end.

Considered in this light, no criminal has a *right* to parole. It is society that has a right to parole for several reasons, all of which insure a measure of protection. Parole is the service that aids the released prisoner to bridge the gap between the relatively abnormal environment of the prison and that of the community. Parole provides a period in the life of the offender when he can be removed from society as soon as he shows indication of dangerous behavior without waiting until he commits another crime. It provides legal authority to compel a former offender to live up to acceptable standards of conduct. It provides for the former offender a period of supervision under normal social conditions before he is completely free. It also provides in part a test of the efficacy of prison treatment.

Authorities agree that parole is a case work service in an authoritarian setting, although there is still controversy as to the effect of the unavoidable authoritarian factors upon the efficacy of case work techniques. Nevertheless, parole work, dealing primarily with the supervision and guidance of persons released from prisons, cannot at best deal with its problems in any other way than by the individual case method. As its chief concern is that of helping the individual resume a respectable place in the community, parole must rely on community resources and community cooperation for its success. This is imperative because the adjustment of the individual is an adjustment to society. Furthermore, it is necessary to arouse community consciousness to the social realities of the problems of parole and to point out the responsibilities of the public in the process of rehabilitation of the offender.

Finally, the success of any parole system, however well conceived, will depend upon how it is administered. Realizing the importance of this fact, leaders in the field of parole have laid down a set of principles which we present here.

A Declaration of the Principles of Parole

(Adopted April 18, 1939)

We, the delegates to the National Parole Conference, assembled at the request of the President of the United States, and representing the governors of the several states, the judiciary, federal, state, and municipal law enforcement officials, the church, the community, and the various penal and correctional systems in the United States,

Recognizing that

Practically all imprisoned offenders are by operation of law ultimately released, and that

Parole, when properly administered and carefully distinguished from clemency, protects the public by maintaining control over offenders after they leave prison, do declare and affirm that

For Parole Fully to Achieve its Purpose

1. The paroling authority should be impartial, non-political, professionally competent, and able to give the time necessary for full consideration of each case;
2. The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;
3. The paroling authority should have complete and reliable information concerning the prisoner, his background, and the situation which will confront him on his release;
4. The parole program of treatment and training should be an integral part of a system of criminal justice;
5. The period of imprisonment should be used to prepare the individual vocationally, physically, mentally, and spiritually for return to society;
6. The community through its social agencies, public and private, and in cooperation with the parole service should accept the responsibility for improving home and neighborhood conditions in preparation for the prisoner's release;

7. The paroled offender should be carefully supervised and promptly reimprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill the obligations of a law-abiding citizen;

8. The supervision of the paroled offender should be exercised by qualified persons trained and experienced in the task of guiding social readjustment;

9. The State should provide adequate financial support for a parole system, including sufficient personnel selected and retained in office upon the basis of merit;

10. The public should recognize the necessity of giving the paroled offender a fair opportunity to earn an honest living and maintain self-respect to the end that he may be truly rehabilitated and the public adequately protected.



